

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

VANESSA DUXANE
VALDIGLESIAS-LAVALLE,

Petitioner,

v.

CHARLOTTE HEADLEY,

Respondent.

CASE NO. 2:24-CV-2114-DGE-DWC

REPORT AND RECOMMENDATION

Noting Date: April 29, 2025

This 28 U.S.C. § 2254 habeas action has been referred to United States Magistrate Judge David W. Christel. Currently before the Court is Petitioner Vanessa Duxane Valdiglesias-Lavalle's second amended habeas petition and second motion to appoint counsel. Dkts. 14, 15. Having screened the second amended petition under Rule 4 of the Rules Governing § 2254 cases ("Habeas Rules"), the Court finds Petitioner has again failed to comply with the Habeas Rules or state a cognizable habeas claim. As such, the undersigned recommends this action be dismissed without prejudice and Petitioner's second motion to appoint counsel (Dkt. 15) be denied as moot.

I. DISCUSSION

Under Rule 4 of the Habeas Rules, the Court is required to perform a preliminary review of a habeas petition. The Rule directs the Court to dismiss a habeas petition before the

1 respondent is ordered to file a response, if it “plainly appears from the petition and any attached
2 exhibits that the petitioner is not entitled to relief in the district court.” Dismissal under Rule 4
3 “is required on procedural grounds, such as failure to exhaust or untimeliness, or on substantive
4 grounds where the claims are ‘vague,’ ‘conclusory,’ ‘palpably’ incredible,’ or ‘patently frivolous
5 or false.’” *Neiss v. Bludworth*, 114 F.4th 1038 (9th Cir. 2024) (quoting *Blackledge v. Allison*, 431
6 U.S. 63, 75–76 (1977)).

7 A petition must also comply with the other Habeas Rules. Under Rule 2(a) of the Habeas
8 Rules, “the petition must name as respondent the state officer who has custody.” Further, the
9 petition must:

10 (1) specify all the grounds for relief available to the petitioner; (2) state the facts
11 supporting each ground; (3) state the relief requested; (4) be printed, typewritten,
12 or legibly handwritten; and (5) be signed under penalty of perjury by the petitioner
or person authorized to sign it for the petitioner under 28 U.S.C. § 2242.

13 *Id.* at Rule 2(c). The petition must “substantially follow” a form prescribed by the local district
14 court or the form attached to the Habeas Rules. *Id.* at Rule 2(d).

15 Petitioner initiated this action on December 19, 2024, and cured her initial filing
16 deficiencies on January 23, 2025. Dkts. 1, 3, 4. A week later, the Court screened and declined to
17 serve her initial habeas petition, because Petitioner’s sole ground for habeas relief was
18 “overbroad, vague, and conclusory,” and Petitioner included excessive documentation,
19 background information, and narrative discussion, which detracted from the clarity of her
20 petition. Dkt. 7 at 2; Dkt. 6. Petitioner was advised of the requirements for curing the defects in
21 her initial habeas petition and ordered to file an amended petition. *Id.* at 2–3.

22 Petitioner filed an amended petition, which the Court screened and declined to serve on
23 March 24, 2025. Dkts. 8, 12. As with the initial petition, the grounds for relief in the amended
24 petition were “overbroad, vague, and conclusory,” and Petitioner again included excessive

1 documentation, information, and discussion, which made her grounds for relief unclear. Dkt. 12
2 at 2–3. In addition, Petitioner included numerous challenges and requests for relief not available
3 in habeas corpus proceedings, such as “those related to United States citizenship and
4 immigration proceedings, family law and child custody decisions, criminal prosecution of third
5 parties, private investigations into Petitioner’s prior criminal and civil legal actions, financial
6 compensation and civil remedies for malicious prosecution, public corruption, and calls for
7 general societal and criminal justice reforms.” *Id.* at 3 (citing Dkt. 8 at 9, 13, 15, 17). Petitioner
8 was advised of the requirements for correcting her amended petition and directed to file a second
9 amended petition. *Id.* at 4. The Court also informed Petitioner that failure to correct the identified
10 deficiencies would result in a recommendation this action be dismissed.

11 Upon review, the Court finds Petitioner’s second amended petition is deficient in the
12 same manner as her initial and amended petitions. First, Petitioner’s grounds for habeas relief in
13 this action are listed in a single block paragraph within the background section of her second
14 amended petition:

15 I want Justice, I want demand exhusband [name omitted], demand Superior Court
16 and Supreme Court of WA process legal wrongful conviction, wrongful sentence,
17 wrongful incarceration, when never commit any crime. I want Justice, I want
18 Lawsuit, Malicious prosecution, for lost everything, I lost stuff, my apartment, car,
finance, freedom, my childrens, deportation possible. I want justice, punishment
exhusband [name omitted] false allegation put me innocent in jail.

19 Dkt. 14 at 4. These grounds are overboard, conclusory, and vague, and Petitioner does not
20 provide a sufficient statement explaining the factual and legal basis of any ground. Second,
21 Petitioner seeks relief not available in habeas corpus proceedings, including punishment of third
22 parties. *Id.* at 4, 15; *see* Dkt. 12 at 3. Finally, Petitioner attaches excessive documentation to her
23 second amended petition and does not make clear how the information therein relates to any
24 ground for relief in this action. *See* Dkt. 14-1.

1 Therefore, Petitioner's second amended petition is deficient and inappropriate for service
2 upon Respondent under Rule 4 of the Habeas Rules. As Petitioner has been advised of the
3 requirements for filing a serviceable habeas petition and failed to do so, the undersigned
4 concludes this action should be dismissed without granting a third opportunity to amend.

5 II. CONCLUSION

6 Accordingly, the undersigned recommends this action be dismissed without prejudice and
7 Petitioner's second motion to appoint counsel (Dkt. 15) be denied as moot.

8 Objections to this Report and Recommendation, if any, should be filed with the Clerk not
9 later than **fourteen (14) days** from the date on which this Report and Recommendation is signed.
10 Failure to file objections within the specified time may affect your right to appeal. Objections
11 should be noted for consideration on the District Judge's motions calendar **fourteen (14) days**
12 from the date they are filed. Responses to objections may be filed by **the day before the noting**
13 **date**. If no timely objections are filed, the matter will be ready for consideration by the District
14 Judge on **April 29, 2025**.

15 Dated this 14th day of April, 2025.

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17 David W. Christel
18 United States Magistrate Judge
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